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10/750,804	01/02/2004	Jonathan Firooz	200205923-1	1816
22879 7590 03/27/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER ZHU, RICHARD Z	
			ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/750,804

Applicant(s)

FIROOZ, JONATHAN

Examiner

Richard Z. Zhu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/2/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections - 37 CFR 1.75***

1. The following is a quotation of 37 CFR 1.75(d)(1):

The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

Claim 4 is objected to under 37 CFR 1.75(d)(1), as failing to conform to the invention as set forth in the remainder of the specification. The examiner can't find the proper antecedent basis within the specification to back up Claim 4: namely, ceasing the ring in response to detecting a facsimile tone. Therefore, the applicant can't claim something that's not in the disclosure. To overcome this objection, the applicant must lay the antecedent basis in a manner such that no new matter is added to the disclosure.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4, 5, 6, 7, 8, and 9 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)**.

Regarding Claim 1, **Krexner et al. (US 6005924 A)** teaches the answering of a phone call "telephone answering means 4 [Column 5, 31 through 32], the monitoring of incoming phone call [Column 3, Rows 38 through 42], generating a ring out of the phone in response to the phone call [Column 6, Rows 19 through 22, refer to Claim 7 rejection], and initializing the multi-function printer device (herein refer to as MPD) for facsimile in response to facsimile tone being detected [Column 3, Rows 38 through 42].

However, **Krexner et al. (US 6005924 A)** does not teach playing an outgoing communication.

**Saigano (US 5014296 A)** teaches a response message circuit 1 that outputs an outgoing communication [Column 2, 48 through 52].

Therefore, it would've been obvious to one ordinarily skilled in the art modify the teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)** in order to provide the apparatus with means to timely respond to outside

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communication without an operator present whereas the motivation to combine is quoted in **Saigano (US 5014296 A)** "to provide a terminal apparatus which can receive image signals and which can record a message from the calling party automatically even in the absence of the operator of the calling party." [Column 1, Rows 34 through 39].

Regarding Claim 4, the combined teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)** teaches the elements of Claim 1 from which this claim is dependent upon. Furthermore, **Saigano (US 5014296 A)** further teaches that when it is determined that the incoming signal is voice, the ringing device is activated [Column 4, Rows 35 through 45]. Viewing in light of **Saigano**, one ordinarily skilled in the art could easily arrive with the same inventions as that of Claim 4 because the two are logical complement of each other: generate the ring when voice signal is detected vs. cease the ring when facsimile signal is generated. Refer to Claim 1 motivation and combination for this claim. The reason and motivation to combine the two references are the same as that of Claim 1.

Regarding Claims 5 and 6, in view of combined teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)** that rejected Claim 1 from which this claim is dependent upon, **Saigano (US 5014296 A)** further teaches in Figure 2 that once a calling signal was detected, the 1<sup>st</sup> outgoing message goes out to the other sending side before the 1<sup>st</sup> ring. The reason to combine and motivation is the same as that of Claim 1.

Regarding Claim 7, in view of combined teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)** that rejected Claim 1 from which this claim is dependent upon, **Krexner et al. (US 6005924 A)** further teaches in [Column 7, Rows 18 through 23] where the fax tone, or sound, is defined as having pulse duration of half a second and a clock frequency of 1 kHz. Tones other than a facsimile tone are identified as voice call tone. Therefore, if a facsimile tone is present then the voice call tone is absent, and fax means 2 is activated to start processing incoming facsimile signal. The reason to combine and motivation is the same as that of Claim 1.

Regarding Claim 8, in view of combined teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)** that rejected Claim 1 from which this claim is dependent upon, **Saigano (US 5014296 A)** further teaches in [Column 3, Rows 33 through 57] and Figure 2, that after a predetermine amount of time had passed and a number of rings had been generated, a 2<sup>nd</sup> outgoing message is played in order to answer the incoming phone call. After the message is played, it moved to step 11 where the incoming message is recorded. The reason to combine and motivation is the same as that of Claim 1.

Regarding Claim 9, it is inherent that all facsimile apparatuses have a memory mean to store facsimile data. Therefore, the facsimile apparatus of **Krexner et al. (US 6005924 A)** inherently have a memory mean to store facsimile data. Refer to Claim 1 motivation and combination for this claim.

Regarding Claim 2, **Krexner et al. (US 6005924 A)** teaches answering incoming call, monitoring for fax tone, generating a ring, and initializing the apparatus for appropriate operation.

However, **Krexner** does not teach playing an outgoing message in response to receiving an outside communication.

**Saigano (US 5014296 A)** teaches the generation of an outgoing message. Furthermore, **Saigano (US 5014296 A)** teaches monitoring for a fax signal during the playing of an outgoing message [Column 2, Rows 53 through Column 3, Row 8] between the playing of 1<sup>st</sup> response message and 2<sup>nd</sup> response message. Refer to Figure 2 whereas the monitoring goes on between Step 3 and Step 10.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the teaching of **Krexner et al. (US 6005924 A)** and **Saigano (US 5014296 A)** in order to correctly determine if the incoming signal is facsimile or voice.

Regarding Claim 3, in view of **Krexner et al. (US 6005924 A)** teaching everything in Claim 1 except for playing an outgoing message and **Saigano (US 5014296 A)** teaching the generation of an outgoing message, **Krexner et al. (US 6005924 A)** further teaches that monitoring for fax signal goes on when ring is being generated: in [Column 10, Row 65 through Column 11 Row 7], the apparatus enters standby mode and rings are being generated. At the same time, the apparatus determines whether the incoming signal is fax or otherwise [Column 11, Rows 38 through 55]. Refer to Claim 2 rejection for motivation and combination.

4. Claims 10, 11, 12, 13, 14, 15, 24, 25, and 26 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of *Krexner et al. (US 6005924 A)*, *Saigano (US 5014296 A)*, and further in view of *Takano et al. (JP 11-275301 and JP 11-275302)*.

Referring to *Takano et al. (JP 11-275301 and JP 11-275302)*, there exists a United States Patent *Takano et al. (US 6833926 B1)* which is the English Version and combination of these two Japanese Patents. Therefore, *Takano et al. (US 6833926 B1)* is relied upon as the source of proper English translation in this office action.

Regarding Claim 10, the combined teaching of *Krexner et al. (US 6005924 A)* and *Saigano (US 5014296 A)* teaches the elements of Claim 1 from which this claim is dependent upon.

However, the combination does not explicitly teach a separate memory for a general-purpose processor.

*Takano et al. (JP 11-275301 and JP 11-275302)* teaches this element. Referring to Figure 2 of *Takano et al. (US 6833926 B1)*, it explicitly taught a ROM 92 attached to the main CPU of Main Control Section, which is connected to the printer section with its own ROM 111.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine a general-purpose processor with a memory with the apparatus of *Krexner* and *Saigano* in order to provide means to store facsimile data when it is first received.



Regarding Claim 11, **Krexner et al. (US 6005924 A)** teach means for printing media [Column 8, Rows 22 through 25], means for sending and receiving facsimile [Column 5, Rows 30 through 35], means for monitoring for a fax signal [Column 11, Rows 50 through 55], means for initializing facsimile to receive incoming signal [Columns 7 through 8, specifically Column 7 Rows 15 through 20 and Column 8 Rows 22 through 25], the answering of a phone call "telephone answering means 4 [Column 5, 31 through 32], generating a ring out of the phone in response to the phone call due to lack of facsimile tone [Column 6, Rows 19 through 22, refer to claim 13 rejection as well], and initializing the multi-function printer device (herein refer to as MPD) for facsimile in response to facsimile tone being detected [Column 3, Rows 38 through 42]. **Saigano (US 5014296 A)** teaches a response message circuit 1 that outputs an outgoing communication [Column 2, 48 through 52].

However, the combined teaching does not teach a mean for optically scanning media.

**Takano et al. (JP 11-275301 and JP 11-275302)** teaches a scanner.

Referring to **Takano et al. (US 6833926 B1)** as reference, it teaches a composite type-copying machine having three functions of a copying machine, a facsimile, and a printer [Column 6, Row 33 through 38]. As such, it incorporated a scanner in order to input images [Column 6, Rows 39 through 42].

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the apparatus of **Krexner** and **Saigano** with the scanner of **Takano et al. (JP 11-275301 and JP 11-275302)** in order to provide a mean for inputting image

into the apparatus and perform facsimile transmission of the image data whereas the motivation for combination is quoted in ***Takano et al. (US 6833926 B1)*** as “functioning as an image input means” [Column 6, Row 41].

Regarding Claim 12, ***Krexner et al. (US 6005924 A)*** further teaches that monitoring for fax signal goes on when ring is being generated: in [Column 10, Row 65 through Column 11 Row 7], the apparatus enters standby mode and rings are being generated. At the same time, the apparatus determines whether the incoming signal is fax or otherwise [Column 11, Rows 38 through 55]. Refer to Claim 11 rejection for motivation and combination.

Regarding Claim 13, ***Krexner et al. (US 6005924 A)*** further teaches in [Column 7, Rows 18 through 23] where the fax tone, or sound, is defined as having pulse duration of half a second and a clock frequency of 1 kHz. Tones other than a facsimile tone are identified as voice call tone. Therefore, if a facsimile tone is present then the voice call tone is absent, and fax means 2 is activated to starting processing incoming facsimile signal. Refer to Claim 11 rejection for motivation and combination.

Regarding Claim 14, ***Takano et al. (JP 11-275301 and JP 11-275302)*** further teaches an external interface that is capable of interfacing with network via public line, wired LAN, wireless LAN and etc. refer to Figure 3 and [Column 11, Rows 24 through 34] of ***Takano et al. (US 6833926 B1)***. Refer to Claim 11 rejection for motivation and combination.

Regarding Claim 15, it clearly shows in Figure 3 of **Takano et al. (US 6833926 B1)** that the interface is configured to accommodate a flash memory drive, or a memory device. In addition, it is inherent that all apparatus that could accommodate such a drive has the ability to download drive's content into its own memory. Refer to Claim 11 rejection for motivation and combination.

Regarding Claim 24, the combine teaching of **Krexner** and **Takano** teaches the elements of Claim 18 from which this claim is dependent upon.

However, this combination does not teach voicemail functionality.

**Saigano (US 5014296 A)** teaches a response message circuit 1 that outputs an outgoing communication [Column 2, 48 through 52].

Therefore, it would've been obvious to one ordinarily skilled in the art modify the teaching of **Krexner** and **Takano** with **Saigano (US 5014296 A)** in order to provide the apparatus with means to timely respond to outside communication whereas the motivation to combine is quoted in **Saigano (US 5014296 A)** "to provide a terminal apparatus which can receive image signals and which can record a message from the calling party automatically even in the absence of the operator of the calling party." [Column 1, Rows 34 through 39].

Regarding Claims 25 and 26, **Saigano (US 5014296 A)** teaches the elements of Claim 24 from which Claims 25 and 26 are dependent upon. **Saigano (US 5014296 A)** further teaches the voice mail system that outputs the 1<sup>st</sup> and 2<sup>nd</sup> response message [Column 1, Rows 55 through 65]. Therefore, it would've been inherent that the system of **Saigano (US 5014296 A)** would have the ability to

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record the 1<sup>st</sup> and 2<sup>nd</sup> response message for outputting and a speaker to be used for the purpose of playing the incoming messages. Refer to Claim 24 rejection for motivation and combination.

5. Claims 16 and 17 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of **Krexner et al. (US 6005924 A)**, **Saigano (US 5014296 A)**, **Takano et al. (JP 11-275301 and JP 11-275302)** and further in view of **Gray et al. (US 3694574 A)**.

The combined the teaching of **Krexner**, **Saigano**, and **Takano** teaches the elements of Claim 11 from which Claims 16 and 17 are dependent upon.

However, the combine teaching does not explicitly teach a scanner that is the type of flatbed or picture frame.

**Gray et al. (US 3694574 A)** explicitly teach a scanner of these types. **Gray et al. (US 3694574 A)** teaches in [Column 1, Rows 30 through 43] that it is advantageous to use scanners of flatbed type and the scanner of the invention is sheet feed type as well. Regarding Claim 16, it is inherent that the picture frame scanner, especially in view of a brief introduction by **Kinjo (US 6519046 B1)**, is an integrated feature of all scanners.

Therefore, it would have been obvious to one ordinarily skilled in the art to modify the system of **Krexner**, **Takano**, and **Saigano**, with **Gray et al. (US 3694574 A)** in order to provide a high degree of quality for inputting image whereas the motivation to combined is quoted in **Gray et al. (US 3694574 A)** [Column 1, Rows 43 through 58] "to produce a precise charge image replica of the original document scanned at the facsimile transmitter.

6. Claims 18, 19, 20 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of ***Krexner et al. (US 6005924 A)*** and ***Takano et al. (JP 11-275301 and JP 11-275302)***.

Regarding Claim 18, ***Krexner et al. (US 6005924 A)*** teaches a printer, a call answering functionality, and a facsimile functionality. Refer to Claim 11 Rejection for specific prior art teachings. Furthermore, regarding the general-purpose processor based device selectively interfaced with designated parts, ***Krexner et al. (US 6005924 A)*** describes the operations of first switching stage and a second switching stage in [Column 7 Row 40 through Column 8 Row 20] as well as in Figure 1. The switching stages take control signals from the control stage (general-purpose processor) in selectively switching from internal telephone mean to facsimile mean or vice versa.

However, ***Krexner*** does not teach an optical scanner.

***Takano et al. (US 6833926 B1)*** teaches the scanner means as in the Claim 11 rejections mentioned above.

Therefore, it would've been obvious to one ordinarily skilled in the art to combine the apparatus of ***Krexner et al. (US 6005924 A)*** and the scanner ***Takano et al. (US 6833926 B1)*** in order to provide a mean for inputting image into the apparatus and perform facsimile transmission of the image data whereas the motivation for combination is quoted in ***Takano et al. (US 6833926 B1)*** as "functioning as an image input means" [Column 6, Row 41].

Regarding Claim 19, ***Takano et al. (US 6833926 B1)*** further teaches in Figure 2 that there is a ROM 92 attached to the Main Control Section where the general-purpose processor is based. The reason and motivation to combine is the same as that of Claim 18 rejection.

Regarding Claim 20, ***Krexner et al. (US 6005924 A)*** explicitly teach a user interface where user may manually enter the desired setting [Column 4, Rows 34 through 56]. ***Takano et al. (US 6833926 B1)*** also teaches in Figure 2 an operational panel consist of a display LCD and operation keys connected to a panel CPU that is connected to the rest of the apparatus. The reason and motivation to combine is the same as that of Claim 18 rejection.

7. Claims 21, 22, and 23 are rejected under 35 USC 103 (a) as being unpatentable over the combined teaching of **Krexner et al. (US 6005924 A)**, **Takano et al. (JP 11-275301 and JP 11-275302)** and **Motoyama (US 5818603 A)**.

The combined teaching of **Krexner** and **Takano** taught the elements of Claim 18 from which these claims are dependent upon.

However the combined teaching does not teach the MPD as stand alone devices or a wireless interface. **Motoyama (US 5818603 A)** teaches the MPD as stand alone devices and the wireless interface.

**Motoyama (US 5818603 A)** teaches a diagnostic system consisting of a computer with a processor, that monitors, diagnosis, and controls a variety of stand-alone apparatuses such as copiers, printers, facsimile machines, and digital cameras [Column 1, Rows 8 through 17] via a variety of communication standards [Column 4, Rows 1 through 7] that includes wireless standards. In addition, since the apparatuses are all stand alone devices independent of the diagnostic/control computer, it is inherent that they all have independent sources of power.

Therefore, it would have been obvious to one of ordinarily skilled in the art to combine the teachings of **Krexner** and **Takano** with **Motoyama (US 5818603 A)** in order to provide a wireless medium for communication between a processor based unit and a facsimile unit whereas the motivation for combination is quoted in **Motoyama (US 5818603 A)** "to provide a method and system for communicating with machines which has the capability to use varying communication protocols" [Column 1, Rows 40 through 43].



***Nonstatutory Provisional Double Patent Rejections***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1 through 3, 7, 10, 11, 13, 14, 15, 16, 17, 18, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending ***Application No. 10/750791*** in view of ***Saigano (US 5014296 A)***.

Regarding Claim 1, Claim 1 of copending application ***10/750791*** disclosed monitoring incoming calls for a fax tone and initializing the apparatus to receive the incoming facsimile when the tone is detected. However, ***10/750791*** does not disclose answering incoming call, playing an outgoing communication, and generating a ring in response to no fax tone being detected.

***Saigano (US 5014296 A)*** discloses in [Column 1, Row 55 through Column 2, Row 25] answering in response to an incoming phone call, playing an outgoing message in [Column 2, 48 through 52] and [Column 3, Rows 40 through 45], and

generating a ring in response to a voice call being detected in [Column 3, Row 65 through Column 4 Row 4].

Therefore, it would've been obvious to one ordinarily skilled in the art modify the teaching of **Application No. 10/750791** and **Saigano (US 5014296 A)** in order to provide the apparatus with means to timely respond to outside communication without an operator present whereas the motivation to combine is quoted in **Saigano (US 5014296 A)** "to provide a terminal apparatus which can receive image signals and which can record a message from the calling party automatically even in the absence of the operator of the calling party." [Column 1, Rows 34 through 39].

Regarding Claims 2 and 3, Claim 1 of **Application No. 10/750791** discloses continuing to monitor incoming phone call for facsimile tone after incoming call is being answered. Furthermore, **10/750791** discloses in Claim 3 continuing to monitor after allowing the call to proceed. However, it does not explicitly disclose what is performed after the call is answer or after allowing the call to proceed.

**Saigano (US 5014296 A)** teaches what exactly happen after the call is answer or allowed to proceed: playing an outgoing message in [Column 2, 48 through 52] and [Column 3, Rows 40 through 45], and generating a ring in response to a voice call being detected in [Column 3, Row 65 through Column 4 Row 4]. The reason and motivation to combine the copending application and **Saigano** is the same as that of Claim 1 cited above.

Regarding Claim 7, **Application No. 10/750791** discloses in Claim 1 monitoring incoming call for fax while incoming call is answered and in Claim 5

monitoring call for sound and initializes the apparatus to receive facsimile when no sound being detected. The reason and motivation to combine the copending application and **Saigano** is the same as that of Claim 1 cited above.

Regarding Claim 10, **Application No. 10/750791** discloses in Claim 19 storing incoming facsimile into memory of general-purpose processor based device. The reason and motivation to combine the copending application and **Saigano** is the same as that of Claim 1 cited above.

Regarding Claim 11, **Application No. 10/750791** discloses in Claim 6 means for printing, means for scanning, means for sending and receiving facsimile, means for monitoring for facsimile tone, and means for initializing facsimile means to receive incoming transmission when fax tone is detected. However, Claim 6 of 10/750791 does not disclose means for answering incoming call, means for playing an outgoing communication, and means for generating a ring.

**Saigano (US 5014296 A)** discloses in [Column 1, Row 55 through Column 2, Row 25] answering in response to an incoming phone call, playing an outgoing message in [Column 2, 48 through 52] and [Column 3, Rows 40 through 45], and generating a ring in response to a voice call being detected in [Column 3, Row 65 through Column 4 Row 4]. The reason and motivation to combine the copending application and **Saigano** is the same as that of Claim 1 cited above.

Regarding Claim 13, **Application No. 10/750791** discloses in Claim 8 that monitoring goes on through out the entire communication and in Claim 9 means for initializing facsimile means to receive facsimile when no tone is being detected. The

reason and motivation to combine the copending application and **Saigano** is the same as that of Claim 1 cited above.

Regarding Claim 14, Claim 11 of **Application No. 10/750791** further discloses a wireless interface with the network, and every wireless interface is an interface.

Regarding Claim 15, Claim 13 of **Application No. 10/750791** further discloses a means for receiving at least one memory device and means for downloading faxes to memory device.

Regarding Claim 16, Claim 14 of **Application No. 10/750791** further discloses scanning means comprises a sheet-feed optical scanner.

Regarding Claim 17, Claim 16 of **Application No. 10/750791** further discloses scanning means for a picture frame scanner.

Regarding Claim 18, Claim 18 of **Application No. 10/750791** discloses a printer; an optical scanner, a facsimile functionality, monitors answered incoming calls to internally intercept incoming facsimile and initialize facsimile functionality to receive incoming transmissions, and a device that selectively interface with printer device and selectively powered. However, Claim 18 does not disclose a call answering functionality or generate a ring on a connected telephone for non-fax calls.

**Saigano (US 5014296 A)** discloses a call answering functionality [Column 2, 48 through 52] and [Column 3, Rows 40 through 45] and generating a ring in

response to a voice call being detected in [Column 3, Row 65 through Column 4 Row 4].

Therefore, it would've been obvious to one ordinarily skilled in the art modify the teaching of **Application No. 10/750791** and **Saigano (US 5014296 A)** in order to provide the apparatus with means to timely respond to outside communication without an operator present whereas the motivation to combine is quoted in **Saigano (US 5014296 A)** "to provide a terminal apparatus which can receive image signals and which can record a message from the calling party automatically even in the absence of the operator of the calling party." [Column 1, Rows 34 through 39].

Regarding Claim 19, Claim 19 of **Application No. 10/750791** discloses the exactly the same subject matters, in view of the combined teaching made above.

Regarding Claim 20, Claim 20 of **Application No. 10/750791** discloses the exactly the same subject matters, in view of the combined teaching made above.

This is a provisional obviousness-type double patenting rejection since the conflicting claims have not in fact been patented.

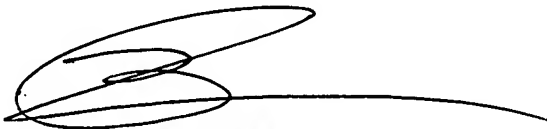
**Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6278775 B1, US 6144464 A, US 5864763 A, US 6040922 A, US 5877872 A, and US 50149296 A are each pertinent as teaching apparatus capable of recognizing incoming facsimile tone from voice tone and some taught wired and wireless interface with other networks and with general purpose processor.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Werner whose telephone number is 571-272-7401 and Richard Z. Zhu whose telephone number is 571-270-1587. The examiners can normally be reached on M-F, 8:00 - 4:30.

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